

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**  
**R/SPECIAL CIVIL APPLICATION NO. 5275 of 2026**

**FOR APPROVAL AND SIGNATURE:**

**HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK**

Approved for Reporting	Yes	No

UDAYSINH DHEERSINH DABHI & ORS.  
 Versus  
 THE STATE OF GUJARAT & ORS.

Appearance:

MR SP MAJMUDAR(3456) for the Petitioner(s) No. 1,10,11,2,3,4,5,6,7,8,9

MR VEDANT D GAIKWAD(10444) for the Petitioner(s) No.

1,10,11,2,3,4,5,6,7,8,9

MR NIKUNJ KANARA, ASST. GOVERNMENT PLEADER for the  
 Respondent(s) No. 1,2,3,4

**CORAM: HONOURABLE MR. JUSTICE HEMANT M.  
 PRACHCHHAK**

**Date : 16/04/2026**

**JUDGMENT**

1. RULE returnable forthwith. Mr.Nikunj Kanara, learned Assistant Government Pleader waives service of notice of rule on behalf of the respondents.

2. With the consent of learned counsel appearing for the respective parties, the present petition is taken up for final hearing.

3. Present petition is filed by the petitioners under Article 226 of the Constitution of India and under the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Regulation of Forest

Rights) Act, 2006 (for short “the Act”) and the Rules framed thereunder, seeking the following reliefs:-

- (A) *YOUR LORDSHIPS may be pleased to issue a writ of prohibition or a writ in the nature of prohibition or any other appropriate writ, directions quashing and setting aside the impugned notice dated 29.11.2025 (At Annexure-H) and 18.09.2025 (At Annexure-F) by respondent no.2.*
- (B) *During pendency and final disposal of the present application, YOUR LORDSHIPS may be pleased to stay further operation, execution and implementation of the impugned notice dated 29.11.2025 (At Annexure-H) and 18.09.2025 (At Annexure-F) by respondent no.2.*
- (C) *Pass any such other and/or further orders that may be thought just and proper in the facts and circumstances of the present case.*

4. Brief facts of the present case are that the petitioners are tribals and residing on the tribal land along with their family and carrying agricultural activities for more than three generations and for over 75 years. That the State Government, by way of resolution dated 06.10.1992, has formulated policy decision whereby it has been resolved that the land situated within the forest areas, on which families were residing prior to 1980, shall be regularized and allotted in favour of the families and pursuant to the resolution, the petitioners were allotted forest land for agriculture purpose by the Deputy Forest Officer and they are paying money for carrying out agriculture activities. Thereafter, the said Act came into force and the petitioners were again informed by the concerned authority to file fresh application before the authority for allotment of forest land for agricultural purpose under the Act and the petitioners have filed an application before the learned Deputy Collector seeking allotment of

the land, which came to be rejected without granting any opportunity of hearing to the petitioners. Being aggrieved, the petitioners have preferred revision application before the learned Collector, which is at present pending for decision and during the pendency of the revision application, the concerned authority through Forest Officer issued show-cause notice dated 18.09.2025 directing the petitioners to vacate the land on the ground that they are not in lawful possession of the said land. That the respondent authority again issued show-cause notice dated 29.11.2025 directing the petitioners to vacate the land and after issuance of the said show-cause notice, Forest Officer has orally informed the petitioners that they initiated demolition proceedings without issuing any further notice. The Range Forest Officer had issued notice for demolition of land and directed the petitioners to vacate the place and/or to remove illegal / unauthorized construction within seven days.

5. Being aggrieved by the impugned show-cause notices, the petitioners have preferred this petition.

6. Heard Mr.S. P. Majmudar, learned counsel for the petitioners and Mr.Nikunj Kanara, learned Assistant Government Pleader for the respondents.

7. Mr.Nikunj Kanara, learned Assistant Government Pleader for the respondents, under the instruction of Mr.J. P. Rajput, Assistant Commissioner (Education, Planning and Monitoring), Prayojana Vahivatdhaar Office, Joravar Palace, Banaskantha, has submitted that the concerned respondent - authority shall hear and decide the revision application within fifteen weeks.

8. In view of the statement made by learned Assistant Government Pleader for the respondents, on instruction of the concerned officer, the present petition stands disposed of accordingly. The concerned respondent - authority shall hear and decide the revision application as expeditiously as possible preferably within a period of fifteen weeks from the date of the writ of the copy of this order. Rule is made absolute to the aforesaid extent. In the meantime, the respondents - authorities shall not take any coercive steps against the petitioners till the disposal of the revision application.

*Direct service is permitted.*

**(HEMANT M. PRACHCHAK,J)**

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